

**REMARKS***The Claims*

Claims 37-65 and 67-77 are currently pending in this application. Claims 37 and 57 stand rejected. Applicants reserve the right to file a continuation or divisional application claiming the subject matter of the cancelled claims which continuation or divisional application claims priority to the present application. No new matter is being hereby introduced.

***Claim Rejections – 35 U.S.C. §103***

Claims 37 and 57 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Collison, et al. Specifically, the Examiner contends that it would be *prima facie* obvious for one of ordinary skill in the art at the time the invention was made to construct either a plasmid vector or a recombinant virus for the purpose of encoding a foreign nucleic acid.

Applicants respectfully point out that Collisson, et al. (US Publication No. 2002/0028208) is not prior art to the instant application. Collisson, et al. was filed on April 30, 1999 which is the same day as the filing date of the instant application. “Prior art” must have a filing or publication date which precedes the filing date of the application at issue. This is not the case here. Therefore applicants respectfully request reconsideration and withdrawal of the §103 rejection.

Applicants are preparing, and will file shortly papers to accurately reflect the correct inventorship of the subject matter currently claimed.

**AUTHORIZATION**

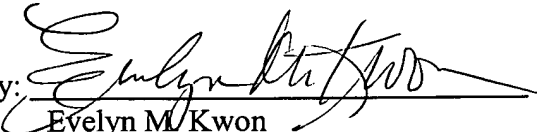
No additional fees are believed to be necessitated by this amendment. However, should this be an error, authorization is hereby given to charge Deposit Account No. 13-4500, Order No. 2976-4055US2 for any underpayment or to credit any overpayment.

In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

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